

ABSTRACT
SEXUAL ASSAULT VICTIMS AND THEIR
WILLINGNESS TO PARTICIPATE
IN PROSECUTION

IN PROSECUTION

by

Barbara Keith Sullivan

Master of Science

Youngstown State University, 1975

Submitted in Partial Fulfillment of the Requirements

The purpose of this study was two-fold: (1) to gain insight into the low prosecution rate of sexual assault cases by determining the proportion of reported offenses that go unprosecuted due to the victim's unwillingness to participate in prosecution; and (2) to identify factors which deter victims from proceeding or are serious problems to those who do prosecute.

This study was conducted in three major phases.

Phase one consisted of a study of background data. The study group consisted of all female sexual assault victims whose report to the Police Department led to the incident report during a specific time period (January, 1973 to September, 1974). Background data was collected from Incident Report Summary cards on such items as:

(1) the victim's name and address; (2) the victim's age and race; (3) the nature of violence during the assault; and (4) description of the incident.

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This study was conducted in three major phases. Phase one involved the development of a study group and collection of background data. The study group consisted of all adult female sexual assault victims whose report to the Youngstown Police Department led to the filing of an incident report during a specific time period (January, 1973 to September, 1974). Background data was collected from Incident Report Summary cards on such items as: (1) the victim's name and address; (2) the victim's age and race; (3) the assailant's race; (4) the amount of violence during the assault; and (5) a brief description of the incident.

Phase two of this study concerned location of subjects and the interview process. Victims were contacted either by the Youngstown Police Department or directly by the researcher to schedule interviews. Unstructured personal interviews were conducted privately by a woman interviewer. Notes were not taken during interviews.

Phase three involved the analysis of data. The following characteristics of the study group were summarized: (1) age and race of victims; (2) race of assailant; (3) amount of violence during the assault; (4) type of assault; and (5) general location of the incident. Interviewee characteristics were also summarized and then compared to study group characteristics. Characteristics were compared to determine if the interviewees were representative of the study group.

Interviews provided information about the proportion of victims unwilling to proceed beyond the point of reporting the incident to the police. Problem factors identified by victims were listed and compared to alleged deterrents to prosecution. Finally, these factors were categorized according to whether their solutions are "inside" or "outside" the criminal justice system.

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¹Section 2907.01 of the Ohio Revised Code, Annotated (Baldwin, 1973) defines sexual conduct to include vaginal and anal intercourse, cunnilingus, and fellatio. Sexual contact is defined as a touching of an erogenous zone of another.

²These terms refer to Ohio's crime classifications for sexual assaults with offenses varying from felony of the first degree to misdemeanor of the third degree, respectively.

CHAPTER I

INTRODUCTION

Fear of being victimized by crime is a common feeling among women in the United States today. Most frightening is the threat of falling prey to sexual assaults.

Sexual assaults are acts in which a person is purposely compelled to be involved in sexual conduct or sexual contact to the sexual arousal or gratification of an assailant.¹ Examples include rape and attempted rape, sexual battery, gross sexual imposition, and sexual imposition.² Many sexual assaults are considered as "rapes" by victims, although following the specific legal definition of the act, it may or may not be. The legal definitions for these various sexual assaultive acts are quite complicated, involving many evidentiary requirements. Therefore, when crime statistics are compiled by the Federal Bureau of Investigation (FBI) for their annual publication, Uniform Crime Reports, sexual assaultive acts are not considered as

¹Section 2907.01 of the Ohio Revised Code, Annotated (Baldwin, 1973) defines sexual conduct to include vaginal and anal intercourse, cunnilingus, and fellatio. Sexual contact is defined as a touching of an erogenous zone of another.

²These terms refer to Ohio's crime classifications for sexual assaults with offenses varying from felony of the first degree to misdemeanor of the third degree, respectively.

a separate category. Statistics are compiled, however, for rape and attempted rape. (2,991) were convicted of lesser offenses. Forcible rapes represent only a portion of the total number of sexual assaults, but they do give us some idea of the magnitude of the problem. FBI statistics revealed that in 1973, 51,002 rapes were reported. Of the alleged rapes reported, 51 percent (26,011) were "cleared by arrest."³ This category includes cases where the police have identified the offender, have sufficient evidence to charge him, and actually take him into custody. Crime solutions are also recorded in exceptional instances when some element precludes the placing of formal charges against the offender. Hence, this category, "cleared by arrest," includes cases when the victim refuses to prosecute or when local prosecution is declined in lieu of prosecution elsewhere.⁴

Prosecution was sought in 76 percent (17,594) of those cases where adults were charged. But, nearly one-half of these (8,269) resulted in acquittals or dismissals as compared to a rate of 31 percent for all Crime Index offenses.⁵ Sixty-eight percent (6,334) of all prosecuted

³U.S., Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, by Clarence M. Kelley, 1973 Annual Report (Washington, D.C.: Government Printing Office, 1973), p. 13. (Hereinafter referred to as Uniform Crime Reports.)

⁴Uniform Crime Reports, p. 28.

⁵Uniform Crime Reports, p. 35.

rape cases resulted in guilty verdicts on the substantive offense, while 32 percent (2,991) were convicted of lesser offenses. The net effect is that 12 percent (6,334) of the 51,002 reported rapes resulted in a rape conviction, or 30 percent of those arrested were convicted of the substantive offense or a lesser charge. This conviction rate is the lowest of all Crime Index offenses.⁶ It can be seen from these statistics that women who do report being sexually assaulted have very little assurance that their complaint will result in satisfactory action against the offender.

These statistics deal only with the crime of rape, one of many forms of sexual assault. Since statistics are not compiled for the category "sexual assaults", rape statistics underrepresent the extent of sexual assaultive crimes.

While these annual statistics are very useful, it is generally understood that they do not begin to measure the actual prevalence of rape: Rape, as well as other sexual assaults, is very much underreported. Results of various studies have demonstrated this. One survey, conducted by the National Opinion Center for the National Commission on the Causes and Prevention of Violence, found that victimization by rape appears to be four times higher

⁶Uniform Crime Reports, p. 35.

than police figures show.⁷ A more recent victimization survey reports similar findings. This ongoing national survey further documents that only about one-fourth of women victimized by rape report the incident to the police.⁸

Another study, conducted by sociologists Kirkpatrick and Kanin, found through interviewing 291 coeds of a midwest university that one out of fifteen had been victims of sexual assaults. Yet none of these victims reported these incidents to the police. "This university research suggests that underreporting of rape - certainly rape attempts - remains extensive in both police and NORC statistics."⁹ It appears that any correlates of sex offense rates are as much a function of interviewing personnel and procedures as they are of the actual occurrence of these offenses.¹⁰

⁷Philip H. Ennis, Criminal Victimization in the United States: A Report of a National Survey, Field Surveys II of the President's Commission on Law Enforcement and Administration of Justice (Washington, D.C.: Government Printing Office, 1967), p. 9.

⁸U.S., Department of Justice, Law Enforcement Assistance Administration, Criminal Victimization in the United States: A National Crime Panel Survey Report, Vol. I (Washington, D.C.: Government Printing Office, 1974), p. 18. (Hereinafter referred to as Criminal Victimization.)

⁹Daniel Glazer, "Victim Survey Research: Theoretical Implications," in Victimology, ed. by Israel Drapkin and Emilio Viano (Lexington, Massachusetts: Lexington Books, 1974), p. 35.

¹⁰Glazer, "Victim Survey Research: Theoretical Implications," p. 35.

The low reporting figures are attributed to a variety of factors that could presumably deter victims from reporting sexual assaults. These obstacles include such things as: fear of retaliation by the assailant; fear of shame or damage to her reputation; fear of reactions of family, husband, and friends; and fear of being accused of provocation, participation, or irresponsibility.¹¹ When a victim reports the assault to the police, it is evident that she has been able to at least temporarily overcome these obstacles or factors. Presumably, various factors might also cause a victim later to become uncooperative in the prosecution of the case, even though she had been willing to report the incident initially. It is almost impossible to successfully prosecute a sexual assault charge without the assistance of the victim; therefore, cooperation after reporting is an essential element. Theoretically, at least a portion of the dismissals could be attributed to the unwillingness of the victim to do anything more than report the offense to the police.

The purpose of this study is to determine the proportion of reported offenses in which the victim was unwilling to participate in prosecution and to identify those factors which deterred victims from participating in the prosecution.

¹¹Menachem Amir, Patterns in Forcible Rape (Chicago: University of Chicago Press, 1971), p. 29.

reveals the following list of alleged factors which are assumed to deter victims from reporting sexual assaults to the police:

CHAPTER II

1. Feelings of embarrassment THE PROBLEM

2. Feelings of shame.

3. Fear of retaliation by her assailant.

4. Scant attention has been paid to the victim of sexual assaults in criminological publications. Those studies that do provide information about the victims are based on police reports and investigations or court records rather than on information obtained from victims themselves. Statistics and information about victims based upon reported sexual assaults indicate that the lower socio-economic class is overrepresented. This does not necessarily mean that sexual assault crimes are largely limited to the lower class as is often interpreted. Rather, it could be indicative that for the lower class woman, the police may be the only alternative.¹²

Much has been written concerning the problem of reporting and prosecution, but little effort has been made to document the factors operating both inside and outside the criminal justice system that actually deter women from reporting or prosecuting. A search of the literature

¹²Kurt Weis and Sandra S. Borges, "Victimology and Rape: The Case of the Legitimate Victim," Issues in Criminology, VIII (Fall, 1973), 102. (Hereinafter referred to as "Victimology and Rape.")

reveals the following list of alleged factors which are assumed to deter victims from reporting sexual assaults to the police:

1. Feelings of embarrassment.¹³
2. Feelings of shame.
3. Fear of retaliation by her assailant.¹⁴
4. Fear of reaction of her husband or family.
5. Desire to protect her reputation.¹⁵
6. Fear of blackmail.¹⁶
7. Increased guilt feelings due to society's attitudes toward victims.¹⁷
8. Fear of an increasingly difficult emotional experience with interrogation, examination, etc.¹⁸
9. Fear of being accused of provocation, participation, or irresponsibility.
10. Loss of time by following through with prosecution.

¹³Uniform Crime Reports, p. 15.

¹⁴John M. Macdonald, "Rape," Police, XIII (March-April, 1969), 42.

¹⁵Camille E. LeGrand, "Rape and Rape Laws: Sexism in Society and Law," California Law Review, LXI (May, 1973), 921-22.

¹⁶Edwin H. Sutherland, "The Sexual Psychopath Laws," Journal of Criminal Law and Criminology, XL (January-February, 1950), 545.

¹⁷Weis and Borges, "Victimology and Rape," pp. 74-79.

¹⁸Helen B. Shaffer, "Crime of Rape," Editorial Research Reports, I (January, 1972), 44.

11. Victim with previous sexual experience who wants to forget the humiliation. Next is the "unfounded"

12. Special relationship with assailant - father, uncle, neighbor, etc.¹⁹ to screen out those cases they

13. Futility of making the complaint (little confidence that assailant will be apprehended, prosecuted or convicted).²⁰

Attempts to document these factors have been made in two rather tangential studies. One study concerning the rape problem did report having interviewed rape victims.²¹ This study stated that the most prevalent reason among suburban victims for not reporting is "concern for their reputation and the feeling that they would go through a very emotional experience for no reason."²² In the other study, an unspecified number of rape victims stated that they felt stigmatized by society and, therefore, tried to remain anonymous.²³

One of every five rape cases reported to the police was deemed "unfounded".²⁵ Of these complaints

¹⁹Amir, Patterns in Forcible Rape, p. 29.

²⁰Camille E. LeGrand, "Rape and Rape Laws: Sexism in Society and Law," p. 920.

²¹National Organization for Women, Report of the Rape Task Force, A Report on Rape in the Suburbs, Washington, D.C., 1973, p. 2. (Mimeographed.) (Hereinafter referred to as Rape in the Suburbs.)

²²Rape in the Suburbs, p. 2.

²³Weis and Borges, p. 73.

1. The first and most obvious impediment to prosecution is the unreported offense. Next is the "unfounded" complaint. Upon receiving a complaint, the police use their discretionary power to screen out those cases they believe are not worthy of admission to the formal administrative process of criminal justice. These are termed "unfounded" complaints and receive no further official action, since police believe no offense has been committed or attempted. "Unfounded" complaints are not included in the crime counts appearing in the Uniform Crime Reports.²⁴ A study was conducted in Philadelphia to identify standards police employ in "founding" or "unfounding" rape complaints. This study compared the response of the police to those criteria established for the guidance of the jury. Various factors contributing to the unfounding of complaints were identified. Findings of the study revealed that about one of every five rape cases reported to the police was deemed "unfounded".²⁵ Of these complaints "unfounded" by the police, one or more of the following factors were involved:

Another phase of the Philadelphia study focused on what was²⁴Uniform Crime Reports, p. 15.

²⁵Comment. "Police Discretion and the Judgment that a Crime Has Been Committed - Rape in Philadelphia," University of Pennsylvania Law Review, CXVII (December, 1968), 277-81. (Hereinafter referred to as "Police Discretion.")

²⁶"Police Discretion," pp. 282-92.

²⁷"Police Discretion," pp. 300-09.

1. Evidence that the victim was intoxicated.
 2. Delay in reporting by the victim.
 3. Lack of physical condition supporting the allegation.
 4. Refusal to submit to a medical examination.
 5. The previous relationship of the victim and the offender.
 6. The use of a weapon without accompanying battery.²⁶
- Along with these six factors are age and race. Although age and race are not deemed relevant by the courts, they were considered by Philadelphia police in making their decisions. This study found that complainants who were younger (juveniles) were much more likely to have their complaint "founded" than were adult complainants. Also, intraracial Black rapes were more likely to be "unfounded" than were white intraracial rapes or interracial rapes.²⁷

Most of these factors are not relevant to whether or not a sexual assault did in fact occur. When complaints are "unfounded" on these bases, they are not necessarily "false" as they tend to be interpreted. Rather, these complaints present prosecutorial disadvantages.

Another phase of the Philadelphia study focused on what was termed the police-prosecutor response. The Philadelphia Police Department instituted a policy change in which officers were to contact the prosecutor's office when

²⁶"Police Discretion," pp. 282-92.

²⁷"Police Discretion," pp. 500-09.

considering whether to "unfound" a rape complaint. The study attempted to determine how a shift in responsibility among the decision-makers affected the resulting decision. It was found that the prosecutor's office advised "unfounding" to the police in about one out of five cases, the same rate of "unfounding" as the police. Generally, the police-prosecutor team was more likely than the police to "unfound" complaints based on a complainant's behavior during the offense. But the police-prosecutor team did not "unfound" cases based solely upon intoxication of the complainant as had the police deciding alone. The overall result of the change in policy was that the harshness and presumption of untruthfulness on the part of the prosecutor's office caused the police to become more skeptical of the complainant than before.²⁸

Another impediment to prosecution is the prosecutor's unwillingness to proceed. His decision to continue with court action is dependent primarily upon what he perceives to be his chances of obtaining a conviction. To obtain a conviction, the prosecutor must present evidence to establish that: (1) The specific sexual assault occurred; (2) that it occurred through "force" or "lack of consent"; and (3) that the complainant has identified the actual assailant. The issue of whether the sexual assault actually occurred can be substantiated through direct witnesses,

²⁸"Police Discretion," pp. 308-09.

a highly unusual circumstance, or through corroborative medical evidence. If the victim either destroyed evidence of the assault or refused to cooperate by not submitting to a complete physical examination, the prosecutor would have difficulty providing evidence to substantiate that the sexual assault did occur. Therefore, he would be unwilling to prosecute.

The second issue, that the assault occurred by means of force and with lack of consent, is shrouded by many prosecutorial problems. One problem arises when considering the circumstances surrounding the offense. A crucial factor is the relationship between the offender and the victim (victim-offender relationship). Studies based on reported rapes tend to indicate that the rapist and victim are strangers about half the time. For example, Amir's study of Philadelphia rape cases found that fifty-two percent of victims and offenders are strangers.²⁹ A study conducted for the National Commission on the Causes and Prevention of Violence had quite similar findings.³⁰ Therefore, in almost half the reported sexual assaults, victim and offender are not strangers, but have some type of previous relationship. Generally, the nature of the previous

²⁹Amir, pp. 229-52.

³⁰U.S., National Commission on the Causes and Prevention of Violence, "National Violence Commission Report," in The Criminal in Society, ed. by Leon Radzinowicz and Marvin E. Wolfgang (New York: Basic Books, Inc., 1971), p. 260.

relationship is looked upon as an indicator of whether the victim consented to the sexual act.³¹

If the victim has previously dated or been intimate with the assailant, then her refusal to participate is generally doubted. Another factor concerning the rape situation, "victim-precipitation", may also influence the decision to prosecute. This take-off on victimology stresses the victim's responsibility for the offender's actions.

Victim precipitation is a conclusory label applied to cases where the victim either retracts from an initial agreement to have sexual relations or enters into a vulnerable situation.... The concept of victim precipitation hinges primarily on male definitions of expressed or implied consent to engage in sexual relations, and is shaped by traditional restrictive stereotypes of women.³²

"Vulnerable situations" such as hitchhiking, walking unescorted after dark, travelling alone, etc., are generally a factor which could alter the prosecutor's decision to prosecute. Another factor which is interpreted as affecting the lack of consent is the victim's previous sexual involvement. Evidence of "unchastity" of the victim can be used to show the probability of her consent to the sexual act.³³

³¹Shaffer, p. 56.

³²LeGrand, p. 929.

³³Comment. "Complainant Credibility in Sexual Offense Cases: A Survey of Character Testimony and Psychiatric Experts," Journal of Criminal Law, LXIV (March, 1973), 69-71.

Complainant credibility is continuously considered by the prosecutor when attempting to determine if the crime did occur, and if the person accused is actually the one who committed the sexual assault. Lie detector tests often furnish information about complainant credibility.³⁴ Psychiatric examinations of the victim can also be obtained with the cooperation of the victim to further substantiate her credibility.³⁵ These factors do not make up the entire list of factors affecting the prosecutor's willingness to prosecute. However, they are the more important ones.

The ultimate decision to prosecute requires a willingness of both the victim and the prosecutor to proceed. The prosecution process necessitates that the victim be willing to participate. That is, she must be willing to "bear witness" at a public trial. Although the state does have the power to subpoena the victim as a witness for the state, it is seldom done. Four possible combinations of willingness to prosecute are possible. It is seen that willing or willing to prosecute. Other alleged factors include: ³⁴"Police Discretion," pp. 314-20. ³⁵"Corroborating Charges of Rape," Columbia Law Review, LXVII (June, 1967), 1141-47.

³⁶Wels and Borges, p. 103.

³⁷Rape in the Suburbs, p. 30.

prosecution can only take place if both prosecutor and victim are willing to proceed. The process operates according to the following diagram:

TABLE 1

PARADIGM OF CONDITIONS FOR PROSECUTION

		<u>Prosecutor</u>	
		Willing	Unwilling
<u>Victim</u>	Willing	Prosecution	No Prosecution
	Unwilling	No Prosecution	No Prosecution

Various alleged factors have been suggested as deterring victims from cooperating in the prosecution. One is the experience of the treatment by law enforcement agents as a "degradation ceremony barely second to the actual rape."³⁶ Another is the lengthy trial in which the victim is made to feel like she is on trial.³⁷ Increased guilt feelings due to society's attitudes toward victims also is an alleged factor which determines whether a victim is unwilling or willing to prosecute. Other alleged factors include: an original accusation that is false; a lack of interest or faith in the prosecution; a reluctance to testify in the open courtroom; threats by the offender or his

³⁶Weis and Borges, p. 103.

³⁷Rape in the Suburbs, p. 30.

relatives; a fear of publicity and embarrassment; and victims urged on by others to report the sexual offense.³⁸

These factors allegedly deter victims from participating in prosecution. However, there has been no systematic documentation that these are the problems that victims must deal with. Such documentation is necessary to identify the actual problem areas. Without this validation, little credence can be paid to recommendations for improvement, since they would be based solely on speculation and mythology.

Statement of the Problem

The problem of low prosecution rates of sexual assault complaints has been attributed to two major factors. One factor consistently suggested is the victim's failure to cooperate with or appear for the prosecution. The other major factor is the prosecutor's reluctance to proceed with complaints having prosecutorial problems. The unwillingness to proceed is consistent with the difficulty in securing convictions under present sexual assault laws. These laws, based on myths and stereotyped preconceptions of women, make it virtually impossible to obtain convictions when various elements in the case are present. Most of

³⁸John M. Macdonald, Rape: Offenders and Their Victims (Springfield, Illinois: Charles C. Thomas, 1971), pp. 94-46.

these elements which operate to deter the prosecutor from proceeding have previously been identified. *to identify factors* Even though the prosecutor may be willing to proceed, prosecution will not take place without the victim's cooperation. In an unidentified proportion of cases, the victim is unwilling to proceed beyond the point of reporting the incident to the police. In attempting to gain insight into the problem of the low prosecution rate, it is necessary to determine the proportion of the reported offenses that go unprosecuted because the victim is unwilling to participate in prosecution. If it would be found that a substantial proportion of cases go unprosecuted because of victim unwillingness to assist in the prosecution, it would be very useful to know what deterred them so that these obstacles to prosecution could be eliminated.

The purpose of this study is two-fold. First, the proportion of reported sexual assault offenses in which victims are unwilling to proceed will be determined. Second, factors which deter victims from participating in the prosecution process will be identified. This information will be gathered through personal interviews with adult female victims of sexual assaults.

As of this writing, a search of the published literature reveals that a study such as this has not yet been conducted. Therefore, this study represents the first attempt to document the proportion of sexual assault

victims unwilling to participate in the prosecution process. This study is also the first attempt to identify factors which deter victims from participating in prosecution, by obtaining information from victims themselves. Furthermore, this study is unique in that the study group consists of victims who had reported the incident to the police. In developing the research design for this study, various methodological decisions have been made. First, rather than considering only victims of rape in the study group, victims of all forms of sexual assaults have been included. Victims of sexual assault oftentimes consider the incident as "rape" even though it may not be a rape according to the specific legal definition. Upon further investigation by the police, the offense may be categorized as any one of the many forms of sexual assaultive acts, and hence recorded as such. Since victims of any type of sexual assault experience similar emotional and psychological trauma, it would serve no purpose in this study to include or exclude victims according to the type of assault each was subjected to. Therefore, victims of any form of sexual assault, operationally defined as forced participation in sexual conduct or contact, have been included in the study group.

It was decided that the study should focus only on sexual assault victims who had reported their victimization to the police. Obviously, no prosecution is possible in unreported cases. Not only must the incident have been

CHAPTER III

RESEARCH DESIGN

Methodological Considerations

In developing the research design for this study, various methodological decisions have been made. First, rather than considering only victims of rape in the study group, victims of all forms of sexual assaults have been included. Victims of sexual assault oftentimes consider the incident as "rape" even though it may not be a rape according to the specific legal definition. Upon further investigation by the police, the offense may be categorized as any one of the many forms of sexual assaultive acts, and hence recorded as such. Since victims of any type of sexual assault experience similar emotional and psychological trauma, it would serve no purpose in this study to include or exclude victims according to the type of assault each was subjected to. Therefore, victims of any form of sexual assault, operationally defined as forced participation in sexual conduct or contact, have been included in the study group.

It was decided that the study should focus only on sexual assault victims who had reported their victimization to the police. Obviously, no prosecution is possible in unreported cases. Not only must the incident have been

reported to the police, but it also must have led to the filing of an incident report. Again no prosecution could occur if the police do not give enough credence to the complaint to even file a report on it.

Subjects were all taken from one police department in order to control for variables involved with different procedures in handling sexual assault cases in different police departments. Subjects for the study included all adult women whose sexual assault report resulted in an incident report being filed within a specific time period. Juveniles and males have been excluded from the study group. The time period of twenty months (January, 1973 to September, 1974) has been selected in order to provide an adequate number of subjects for the study group, and yet ensure that victims would be able to readily recall their feelings about the prosecution process. It was assumed that during this time period, no major policy changes concerning sexual assault investigations were made in the police department, nor was there any major change in attitudes toward the victim by either police officers or the public.

Another major methodological consideration was the method of data collection. It was decided that some data would be collected from the incident reports as well as from the victims themselves. Data collected by reviewing the incident reports was expected to provide the following information: (1) date of incident report; (2) victim's

name and address; (3) victim's age and race; (4) brief description of the assault; and (5) legal status of the case.³⁹ Data collected by interviewing the subjects was expected to provide information about: (1) their willingness to participate in the prosecution process; (2) factors which either deterred them from prosecuting or were a serious problem to them during prosecution; and (3) recommendations for improved handling by the criminal justice system.⁴⁰ Personal interviews were conducted with all subjects using an unstructured method. Although structured interviews provide more organization and direction within an interview, the unstructured approach provides the respondent with more latitude in answering questions.⁴¹ Interviews were conducted at the subjects' homes when possible. When meeting at home was not convenient for a victim, a private, alternative meeting place was suggested. However, there were two alternate meeting places which the victim suggested and we agreed upon -- at a restaurant during her lunch hour and her office during work.

³⁹Various problems were encountered in attempting to gather data from the incident reports. These difficulties are described in detail below.

⁴⁰All information from victims was obtained as planned.

⁴¹Claire Sellitz, et al., Research Methods in Social Relations (New York: Holt, Rinehart, and Winston, 1959), pp. 263-64.

All interview sessions were conducted by a woman researcher, because women who may be reluctant to relate their experiences to a man may not be as hesitant to speak to a woman on the same topic. Since note-taking inhibits the openness of responses, none were taken during interviews. However, all information was written up immediately after each interview.

The last area for consideration in developing the research design concerned the analysis and interpretation of data. It was decided that characteristics of the study group be summarized. Study group characteristics used are: (1) age and race of victims; (2) race of assailant; (3) amount of violence during the assault; and (4) general location of the incident. Further data collected through interviews was analyzed according to the paradigm of conditions for prosecution.⁴² Also, it was decided that problem factors identified by victims would be listed and compared to those factors which allegedly deter victims from participating in prosecution. Finally, these factors would be categorized according to whether their solutions are "inside" or "outside" the criminal justice system.

Procedure of the Study

This study was conducted in three major phases. Phase one consisted of the development of a study group and

⁴²See page 15 above.

collection of background data. Phase two consisted of the initial contact and interviewing process. Phase three involved the analysis of data.

In the course of completing these phases, several major methodological problems were encountered. During phase one, development of a study group, there first was a problem in obtaining a list of cases. The assistance of the Youngstown Police Department was elicited. Consultations with the Deputy Chief of Police resulted in compilation of a list of fifty-five adult victims whose report of the incident resulted in an incident report being filed during the period from January, 1973, to September, 1974. These names were taken from what the police department refers to as Incident Report Summary cards. Consulting these cards to locate the study group was the simplest method within YPD's Records System.

The next major methodological problem encountered was the inaccessibility of criminal complaint files. By ruling of Youngstown's Law Director, researchers are not permitted access to criminal complaints and follow-up investigation reports. Therefore, the background information for each case was considerably reduced from what had originally been envisioned. However, the Deputy Chief did allow background information contained on the incident report summary cards to be recorded. Therefore, information on the following items was gathered by consulting the summary cards:

1. Date incident was reported;
2. Victim's name;
3. Victim's address;
4. Victim's age and race;
5. Whether victim was treated at a hospital;
6. Brief description of the incident, i.e., location of the assault, time of occurrence, type of assault, etc.;
7. Amount of violence during the assault, i.e., presence of weapon, number of assailants, etc.;
8. Legal status of the case; and
9. Race of the assailant.

Many of the incident cards did not contain complete information. Therefore, the police department, by checking actual criminal complaints, was able to fill in the missing data. Also the name or names of detectives assigned to each case was obtained from the incident reports so that these detectives could be contacted to furnish any data not already provided.

Completing phase two of the study brought other methodological problems. First, there was the problem of how to approach victims to elicit their cooperation. The Deputy Chief agreed to assist in contacting subjects in order to lend credibility to the study and the interviewer. Various approaches were discussed. One called for the detective who had handled a specific case to locate the victim and introduce the victim to the interviewer. But this

approach was abandoned due to a time problem on the part of the police department. An approach which the Deputy Chief felt was feasible involved the police department contacting victims by telephone. Hence, the police department located the victims' telephone numbers as they had appeared on the original incident report.

Of the fifty-five subjects in the study group, 16 (29 percent) did not have telephones, and of the 39 victims who had telephones, 19 (48 percent) no longer had the same telephone numbers. New numbers were not obtained for any of these nineteen victims. Several had changed to unlisted telephone numbers, but most who had telephones not listed under their own names originally, had since changed address.

It was decided that the police department should contact as many victims as possible by phoning them, but those who could not be reached in this manner would be contacted directly by the interviewer. A personal visit was made to the stated address for forty-two victims (76 percent). Table 2 shows the total number of cases, proportion located, and proportion interviewed.

Of the fifteen women interviewed, eight were contacted by the police department while seven were contacted directly by the researcher. When the police department contacted victims, the study was explained to them and appointments were made to talk with the woman researcher. But when the researcher contacted victims directly, several difficulties arose.

TABLE 2
 PROPORTION OF SUBJECTS LOCATED
 AND INTERVIEWED

	Number	Percent
Interviewed	15	27
Could not locate	33	60
Refused, or not suitable	7	13
Total	55	100

First when someone other than the victim answered the door, it was necessary for the researcher to identify herself and explain her purpose sufficiently for the victim to be called to the door. Even when the victim answered the door, it was necessary to take great care in explaining the purpose of the study. That is, other people were oftentimes present or within hearing of the conversation whom the victim did not want to find out about the sexual assault. Establishing the legitimacy of the study was difficult in only two of the approaches. All seven victims contacted in this manner were very cooperative.

Another major methodological problem was the attrition of cases. Of the fifty-five potential subjects, thirty-three could not be located. That is, thirty-two subjects had moved, and one had relocated for the winter. Attempts to locate seventeen of these cases necessitated visiting the last known address two or more times to verify that the victim had in fact moved. Victim mobility could

be attributed to a desire to leave the neighborhood because of the incident or to simple transiency. Failure to leave a forwarding address was common.

An ethical issue was raised concerning how far one should go in tracing these victims. If it was the intention of the victim to "hide," then it would be improper to search for her. Searching for the victim, it would seem, could border on infringement of her "right of privacy". Since the police department did not take an active role in this study, it was not possible to have them search for victims. It is the belief of this researcher that a more extensive search would be beyond the scope of this study and beyond the limits of "research".

Attrition of cases was also due to the following factors:

1. Death of one victim;
2. Inability of one victim to speak English;
3. Mental deficiency of one victim;
4. Lack of cooperation of family members in contacting two victims;
5. Inability of one victim to "recall" reporting her sexual assault; and
6. Lack of cooperation of one victim in keeping interview appointments.

It is interesting to note that in all instances when the victim herself was contacted, she agreed to cooperate with the study and in only one instance did the victim

change her mind about being interviewed. The attrition of cases then was primarily due to barriers in locating and contacting victims and not due to victims' refusals to participate.

FINDINGS

Study Group Characteristics

Fifty-five women, ranging in age from eighteen to seventy-eight, reported being sexually assaulted during the twenty-month time period of this study. Nearly half of the victims, at the time of reporting, were under twenty-three and nearly two-thirds were under twenty. Details of the age breakdown can be found in Table 3, along with the proportion of Black and Caucasian victims.

It can be seen that over half the assaults were committed against Caucasian women and that nearly two-thirds of these women were under twenty-three years of age. Likewise, the largest proportion of Black victims were under twenty-three.

Data collected concerning the race of the assailant revealed that only seven of the seventy-one reported assailants were Caucasian (10 percent). (More assailants than victims have been recorded since in fourteen of the fifty-five incidents, two or more assailants attacked one victim.) Race of the assailant determined whether a sexual assault would be categorized as Black intraracial, Caucasian intraracial, or interracial. Black intraracial describes a sexual assault in which both the victim and assailant are

CHAPTER IV

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TABLE 3
RACE OF VICTIMS BY AGE GROUP

Age	Black (41%)	Caucasian (59%)	Total (100%)	
	Number	Number	Number	(Percent)
18-22	11	13	24	(47%)
23-27	3	7	10	(19%)
28-32	3	3	6	(12%)
33-37	1	2	3	(6%)
38 and over	3	5	8	(16%)
Total	21	30	51 ^a	(100%)

^aAges of four victims were not available from the police department records, hence four victims have been excluded from the total. Of these four women, one is Black and one is Caucasian.

Black; Caucasian intraracial refers to sexual assaults in which both are Caucasian. The term interracial refers to an assailant of a different race than the victim. In this study, interracial sexual assaults refer only to Caucasian victims and Black assailants. Analysis of race reveals that forty-five percent (23) of the incidents were interracial. Table 4 summarizes the assailant's race according to the victim's race and age.

Another variable about which data was collected concerned the location of the sexual assault. Four categories were devised to describe where incidents had occurred: (1) in a car; (2) outdoors; (3) within a building -- business, dwelling, or vacated premises; and (4) inside a victim's residence or surrounding property. Location of the assaults have been summarized and are presented in Table 5. It can be seen that an almost equal number of victims were attacked in cars, outdoors, and in or very near the victims' residences. Incidents occurring in buildings involved places of employment, vacant homes, and strangers' homes.

Data collected on the circumstances of the assault provided information concerning the presence of others during the assault. It was found that in 13 (24 percent) of the incidents, persons other than the assailant or assailants were present. This is contrary to the popular belief that witnesses are not usually present. However, it was noted that in eight of these instances, the witnesses were

TABLE 4

FREQUENCY OF BLACK INTRARACIAL, CAUCASIAN INTRARACIAL,
AND INTERRACIAL ASSAULTS ACCORDING
TO AGE OF VICTIM

Age	Black Intraracial (41%) Number	Caucasian Intraracial (14%) Number	Interracial ^a (45%) Number	Total (100%) Number (%)
18-22	11	4	9	24 (47%)
23-27	3	0	7	10 (19%)
28-32	3	1	2	6 (12%)
33-37	1	0	2	3 (6%)
38 and over	3	2	3	8 (16%)
Total	21	7	23	51 ^b (100%)

^aAll assailants were Black and all victims were Caucasian.

^bAges of four victims were not available and these four victims are not included in the fifty-one total victims. But, it was known that assailants for these four victims were Black, with one Caucasian victim and one Black victim.

TABLE 5

LOCATION OF ASSAULT ACCORDING TO
RACE OF ASSAILANT AND VICTIM

Race of Assailant and Victim	Car (27%)	Outdoors (29%)	Building (17%)	Residence (27%)	Total (100%)
	Number	Number	Number	Number	Number (%)
Black Intraracial	4	7	4	6	21 ^a (40%)
Caucasian Intraracial	3	0	1	3	7 (14%)
Interracial	<u>7</u>	<u>8</u>	<u>4</u>	<u>5</u>	<u>24</u> (46%)
Total	14	15	9	14 ^b	52 (100%)

^aThe location of one Black intraracial incident could not be identified by files information and has not been included in the total.

^bTwo incidents occurring at residences have not been included here, as the race of assailants and victims were not known.

family members or friends, i.e., the victim's small children or parents, elderly persons, and fellow victims. Although in these cases witnesses could not stop the sexual assault or prevent it from occurring, in three other cases, witnesses prevented further action by the assailant.

The amount of violence associated with incidents was summarized according to these factors: (1) threatening a victim with some type of weapon -- gun, knife, stick, etc.; (2) use of physical violence -- strangling, beating, etc.; (3) absence of any weapons -- verbal threats; and (4) attack by two or more assailants. Data presented in Table 6 shows that weapons were involved in 11 (20 percent) of the total fifty-five cases. Forty-seven percent of the cases did not reportedly involve weapons or deliberate strangling, beating, etc. It is believed that this figure could be too high, due to a lack of information in the Incident Report Summary cards. That is, the category "no weapon" was used when no mention was made of the other three categories.

The amount of violence was related to the type of assault. Table 6 shows assaults recorded by the police department which were categorized into three types: rape, attempted rape, and "other". The category "other" includes such acts as fellatio, sodomy, and sexual contact. Forty-three cases (78 percent) reportedly involved rape, as compared to 8 (15 percent) of the cases involving attempted rape.

TABLE 6
 AMOUNT OF VIOLENCE INVOLVED
 WITH TYPES OF ASSAULT

Type of Assault	Weapon (18%) Number	Violence (7%) Number	Assailants (27%) Number	No Weapon (47%) Number	Total (100%) Number (%)
Rape	8	3	13	19	43 (78%)
Attempted Rape	1	1	2	4	8 (15%)
Other	1	0	0	3	4 (7%)
Total	10	4	15	26	55 (100%)

Interviewee Characteristics

Fifteen victims were located and interviewed. Seven of these reported the incident during the first ten months of 1973, while the other eight victims had reported from November, 1973, to September, 1974. It was noted that only nine of the fifteen victims were still residing at the last known address noted on the police complaints. At the time of reporting, eleven victims were single and four were married. Only three of the fifteen interviewees lived alone as head of household, and the others lived with family members.

More than half the victims interviewed were under twenty-three years old, and over two-thirds were under twenty-eight. This large proportion under twenty-eight reflects the age breakdown found in the larger group. Table 7 presents the race of victims according to their age group.

TABLE 7

RACE OF VICTIMS ACCORDING TO AGE GROUP

Age	Black	Caucasian	Total Number (Percent)	
18-22	4	4	8	(53%)
23-27	1	2	3	(20%)
28-32	0	1	1	(7%)
33-37	0	1	1	(7%)
38 and over	0	2	2	(13%)
Total	5	10	15	(100%)

It is seen that the age patterns by race are quite similar to those for the larger group. Also, one-third of victims interviewed were Black, as compared to about 41 percent of the study group. Of the ten Caucasian victims, nine were victims of interracial sexual assaults, as compared to the 23 (77 percent) of the study group.

The similarity of characteristics between the fifteen victims interviewed and those in the study group is further demonstrated when considering the location of assaults. Places of attack have been categorized as explained previously, and are presented in Table 8.

By referring to Table 5, one can see the similarity in location of assaults. Also, the proportion of assaults recorded as rapes was consistent with those discussed previously and shown in Table 6. However, there was a greater proportion of assaults classified "other" for the interviewees than for the larger group.

Witnesses to the assaults occurred more frequently in the group of fifteen interviewed. That is, seven of the fifteen incidents were witnessed by a victim's child, father, friend, etc., as compared to thirteen of the total fifty-five. But, this higher proportion can be attributed to information obtained from the interviewees. Only four of the seven Incident Report Summary cards stated that "others" were present.

When considering the amount of violence involved with the fifteen victims interviewed, weapons were used in

TABLE 8
 LOCATION OF INCIDENT AND
 TYPE OF SEXUAL ASSAULT

Type of Assault	Car	Outside	Building	Residence	Total	
					Number	(Percent)
Rape	3	3	2	3	11	(73%)
Attempted Rape	0	0	0	1	1	(7%)
Other	2	1	0	0	3	(20%)
Total	5	4	2	4	15	(100%)

seven incidents and strangulation in two incidents. Information about the amount of violence is presented in Table 9. Data from the original source, Incident Summary Report cards, indicate that only three incidents involved weapons and twelve incidents did not reportedly involve any. Therefore, omitting information from interviews shows that about one out of five incidents involved the use of weapons, a proportion very similar to that within the larger group. Included as a factor in the amount of violence is the number of assailants. It was found that three interviewees had been assaulted by two or more assailants, a proportion slightly less than noted in the larger group.

Since characteristics of both the study group and the interviewees have been described, overall similarities and differences can be pointed out. Interviewee characteristics were found to be quite similar to study group characteristics in the following areas: (1) age breakdown of victims; (2) race of victims; (3) location of incidents; (4) proportion of rapes among types of assaults; (5) amount of violence; (6) presence of witnesses; and (7) proportion of victims who had moved. The following differences between interviewee and study group characteristics were noted: (1) an absence of Black interviewees over twenty-seven years old; (2) more interracial assaults among the victims interviewed; and (3) a greater proportion of sexual assaults in the "other" category -- more assaults limited to sexual contact.

TABLE 9

AMOUNT OF VIOLENCE INVOLVED ACCORDING
TO RACE OF ASSAILANT AND VICTIM

Race of Assailant and Victim	Weapon	Physical Violence	No Weapon	Two or More Assailants	Total	
					Number	(Percent)
Black Intraracial	2	2	1	0	5	(33%)
Caucasian Intraracial	0	0	1	0	1	(7%)
Interracial	5	0	1	3	9	(60%)
Total	7	2	3	3	15	(100%)

The purpose of comparing characteristics of both groups is to determine if the small number of interviewees are representative of the study group. That is, does information obtained by interviewing fifteen victims pertain to only these women, or can findings be generalized to the entire study group of fifty-five women? In this case, interviewees were found to be more alike than unlike the study group, with only one marked difference -- Black interviewees were all under twenty-eight years old. Therefore, findings about the victims' willingness to participate in prosecution can be generalized to the study group. However, to the extent that particular differences in variables might influence the decision to prosecute, the findings of this study are biased.

Interview Data

Interviews with the victims provided information about their willingness to participate in prosecution. It was found that the proportion of cases not prosecuted due to victim unwillingness was three of fifteen, or one of five. Reluctance to proceed was expressed during the initial police contact or interview by two of the three victims. The third woman expressed her misgivings about proceeding after she had talked with detectives.

The proportion of victims unwilling to prosecute is shown in Table 10 below:

TABLE 10
PARADIGM OF CONDITIONS
FOR PROSECUTION

		<u>Police-Prosecutor</u>	
		Willing	Unwilling
<u>Victim</u>	Willing	9 ^a	3 ^b
	Unwilling	1	2

^aThree victims are still contacted by police.

^bOne victim's account of the incident was not believed by police. She is no longer contacted.

Four of the nine victims willing to prosecute were not able to positively identify their assailants, hence no arrests were made. Three of the four are considered by the police as being prosecutable. In these cases the police have from time to time made arrangements with three victims to have them look at more pictures (mug shots) or observe a lineup. But, one victim has not been contacted at all by the police, even though she could identify her assailant. Conversation with a detective revealed his unwillingness to proceed with the case. He felt her "story" to be unbelievable.

Interviewees were asked to: (1) relate their feelings about prosecution; (2) describe factors which either deterred them from prosecuting or were a serious problem to them during prosecution; and (3) make recommendations for

^cItems 2, 6, and 7 were stated by two victims.

improved handling by the criminal justice system. The following is a summary of factors identified by these three victims as deterrents to prosecution:

1. Fear of embarrassment at having to go to a hospital where friends were employed;
2. Unsympathetic, disbelieving officers who had initially answered the call were not worried about detailed description of the assailants, but rather a detailed description of the assault;
3. Questioning by detectives, who were trying to find out if the case was "real", hinted that a lie detector test would be useful, if not necessary;
4. Uselessness of prosecuting, since she was Black;
5. Prosecution would only cause her to be humiliated and embarrassed at describing the type of assault;
6. Resentment at questioning by officers about her past sexual experiences -- felt to be an "invasion of privacy";
7. Resentment at questions by detectives about possibility of her being a prostitute rather than a victim of sexual assault;
8. Public embarrassment of testifying was not worth the results -- one- or two-year sentence; and
9. Self-blame for the incident as a result of reactions by family members, friends, and police officers.⁴³

⁴³Items 2, 6, and 7 were stated by two victims.

These deterrents to prosecution, as described by victims to themselves, reflect factors previously listed as alleged deterrents to prosecution.⁴⁴ Of the nine alleged deterrents, six have been documented as actual deterrents to prosecution.

Two additional deterrents were pointed out by victims. It was stated by one victim that, "A rape involving regular sex would be easier to talk about than oral sex." In this case, the victim's unwillingness to participate in prosecution was dependent upon the particular type of assault, rather than on her reluctance to prosecute for any of the sexual assaults.

Another deterrent to prosecution was pointed out by two victims. Concern focused on questions asked by both patrol officers and detectives, rather than on actual treatment by officers. That is, police, through their questioning and contact with victims, sufficiently discouraged them from proceeding with prosecution.

In all three cases, there was no prosecution because of the victim's unwillingness to participate. Even though victims felt this negatively about prosecution, all three stated they would report to the police any similar incidents in the future.

Elimination of these barriers to prosecution would seem to increase the proportion of victims willing to

⁴⁴See page 15 above.

prosecute. Hence, fewer cases would go unprosecuted due to victim unwillingness. Deterrents to prosecution can be divided according to whether their solutions are "inside" or "outside" the criminal justice system. Of these nine, it can be seen that three items (1, 5, and 9) can be eliminated through societal change in attitudes about sexual assaults. The remaining six deterrents require changes to be made in either the legal structure or the criminal justice system.

Of the twelve cases in which victims were willing to participate in prosecution, only six incidents resulted in arrests and prosecution. Interviews with these six women furnished information about their major problems during prosecution. The following problems were identified:

1. Repeating details of the assault over and over;
2. Embarrassment in answering questions in presence of men only;
3. Lengthy period of time before testifying at trial;
4. Guilt feelings and self-blame intensified as a result of influence from others -- defense attorney, friend, police, family members, etc.
5. Repeating details of the assault over and over to many different officers;
6. Feelings of shame and guilt;
7. Fear of friends, parents, and relatives learning about assault -- privacy;

8. Prosecutor's office not respectful of victim's request concerning notification of family members;
9. Loss of support from boyfriend or fiancé;
10. Attempts by assailant's caseworker and attorney to persuade victim from prosecuting; and
11. Fear of retaliation against the assailant by family members or friends.⁴⁵

Victims who participated in prosecution reported having encountered many problems, but all six stated that they did not regret the decision to prosecute. Furthermore, all six women stated they would prosecute again if victimized by sexual assault in the future. Elimination of these barriers would improve the prosecution process from the victim's perspective. In order to consider making changes, it is first necessary to categorize types of problems. This can be accomplished by determining whether solutions to these problems can be found "inside" or "outside" the criminal justice system. Solutions to three of the eleven problems (6, 9, and 11) lie outside the criminal justice system. The fourth item on the list finds its solution both "inside" and "outside" the system, while the remaining seven can be solved from within the criminal justice system.

Of the fifteen women interviewed, six were willing to prosecute, but prosecution did not take place in any of

⁴⁵Items 1, 9, and 11 were described by two victims, and Item 2 by three victims.

the six cases due either to police-prosecutor unwillingness or the victim's inability to positively identify her assailant. These women were asked to identify any problems that they have experienced to date and those problems they anticipate with prosecution. The following twelve items were identified by victims:

1. Disbelieving officers who ended the prosecution process;
2. Unfairness of the system in handing out "justice" -- her family background determined if she could be herself sexually assaulted;
3. Explaining to relatives about the event -- embarrassment and shame;
4. Blamed by relatives for allowing the assault to occur;
5. Disbelief by victim's relatives that incident actually occurred;
6. Lack of confidentiality within the police department;
7. Questioning by police seemed irrelevant -- about boyfriends, friends, drinking, etc.;
8. Difficulty in answering questions about the assault when in the presence of male officers;
9. Continuing a personal relationship with her boyfriend after telling him about the assault;
10. Financial problems resulting from loss of work, hospitalization, and doctor's services;
11. Hospital personnel giving confidential information to parents; and

Items 7, 8, 9, and 11 were stated by two victims, and Item 4 was stated by three victims.

12. Relating incident over and over in great detail.⁴⁶
officer. These twelve problems as described by victims who are willing to prosecute, include two items not touched on by either victims unwilling to prosecute or those who participated in prosecution. One problem involved financial difficulties due to loss of work, hospitalization expenses, and doctors' bills, all a result of the sexual assault. Police officers who did not find a victim's description of the assault believable were the source of the other problem. Police in this case ended the prosecution process themselves by not arresting the identified assailant. It can be seen that solutions to both these problems could lie within the criminal justice system. Likewise, solutions to Items 6, 7, 8, 10, and 12 above also lie within the criminal justice system. situations in which two or more sets of officers. All victims interviewed were asked to suggest ways in which prosecution could be made easier. With this approach, victims indirectly identified problem areas or deterrents to prosecution. Many recommendations were made to improve handling of sexual assault victims by the criminal justice system. Recommendations offered most frequently were directed at the police department. Seven victims felt that women should conduct interviews with victims, especially any questioning at the hospital. One other victim felt women would be easier to talk with, but men are

⁴⁶Items 2, 3, 7, 8, 9, and 11 were stated by two victims, and Item 4 was stated by three victims.

alright, whereas another said women should accompany male officers during questioning of sexual assault victims. In contrast to this, two victims felt that older men should handle sexual assault cases because they are seen as father figures and are easier to talk with than women.

Many other recommendations were directed at the police department. Four interviewees called for extensive training for patrol officers who initially respond to sexual assault incidents and conduct preliminary investigations. It was felt that such training is necessary to ensure that impressions left during initial contacts by police officers would not discourage victims from proceeding with prosecution. It was further suggested that police administrators assign only one pair of officers to handle each case. This would eliminate situations in which two or more sets of officers or detectives compete in obtaining information from victims. Victims felt this would lessen the trauma of talking with detectives in two ways. First, a rapport between the victims and officers could be established and second, the victim would not be asked to describe the incident repeatedly. Victims also recommended that police departments exercise greater care in protecting the identity of sexual assault victims. Persons outside the police department should be screened before being granted access to information about victims. It was further recommended that departmental personnel be encouraged to keep information about specific victims and incidents confidential.

of deal Three victims recommended that hospital personnel receive special training concerning the needs of sexual assault victims. Appropriate training could result in improved handling by hospital personnel, thus lessening the impact of the hospital visit on victims. It was further recommended that hospitals formulate policies and develop procedures for the treatment of sexual assault victims.

One Ten of the interviewees made recommendations about legal processes. These could only be implemented through legislative changes. Of most concern was the lack of privacy in the courtroom in which victims must testify. It was felt that if more privacy were provided during a trial, the experience would not be as humiliating or embarrassing for the victim. Victims expressed concern that the trial procedures must be changed so that less blame is placed on the woman for being assaulted. Guilt feelings about the incident, a typical reaction by victims, should not be worsened by the trial situation. It was further recommended that use of a victim's sexual history to discredit her character should be eliminated from the trial procedure. One victim stated of the present trial procedure concerning sexual assaults, "The victim is guilty until proven innocent. This occurs when the innocent accused is found guilty." attached to women who have been victimized by

sexual Two victims recommended that harsher laws be adopted to deal with men convicted of sexual assault. They felt that special attention needs to be focused on methods

of dealing with repeat offenders. Two other victims called for the development of some method to "cure" repeat offenders other than the present punishment-rehabilitation approach. Another recommendation involving a legislative change addressed victim compensation. It was felt that victims should be reimbursed for medical expenses which accrued as a result of an assault. If the assailant, for one reason or another, cannot compensate the victim for her medical expenses, then the state should at least pay for the initial hospital examination which most times involves collection of evidence.

Only two recommendations focused on problems outside the criminal justice system. One called for rape crisis counselors to work directly with the police department in reaching victims who are in need of friends or psychological support. This final recommendation proposed education programs to educate citizens about the criminal justice process. It was felt that citizens should be made aware of the procedures utilized by a police department in handling sexual assaults. This would not only provide information about police procedures, but it would also publicize a topic not usually discussed in public. It is hoped that such openness would eventually lessen the social "stigma" attached to women who have been victimized by sexual assault.

⁴⁷ See page 15 above.

⁴⁸ See page 42 above.

CHAPTER V

SUMMARY

Conclusions

The proportion of sexual assault cases which were not prosecuted due to the victim's unwillingness to participate in prosecution has been identified as three of fifteen or one of five. This proportion represents victims who were outspoken about their willingness to prosecute, but does not necessarily include victims who were reluctant to proceed. That is, a victim's reluctance to participate may result in the prosecutor deciding not to prosecute. According to the Paradigm of Conditions for Prosecution, both must be "willing" before any prosecution can take place.⁴⁷ Three cases were recorded in which the victim was willing to prosecute, but the prosecutor was unwilling.⁴⁸ Therefore, it is possible that victim reluctance could have resulted in no prosecution in these three cases. However, it is more likely that the police-prosecutor unwillingness is due to prosecutorial problems.

The sexual assault victim's willingness to proceed with prosecution may have resulted in prosecution of her

⁴⁷See page 15 above.

⁴⁸See page 42 above.

assailant, but not for the original charge. Reluctance by the victim to proceed, i.e., to testify in public was still recorded as victim "willing" as she at least was following up on charges against the accused. Prosecutorial disadvantages also may have necessitated "plea-bargaining." In either case the ultimate decision to prosecute belongs to the prosecutor. Deterrents to prosecution have been documented by information obtained in interviews and have previously been presented.⁴⁹ Additional factors not specifically identified by victims could have influenced victims not to prosecute. One factor to be considered is the ability of other victims to identify the assailant and proceed with prosecution. This factor is believed to have affected the willingness to prosecute. Another factor to be considered is the age of victims. Two of the three victims were over thirty-three years old. It is doubtful that this factor had any influence. Level of violence could also be considered a deterrent to prosecution. It was found that all three cases involved combinations of three or more of the following: (1) a weapon; (2) a family member present; (3) location of assault - residence; and (4) type of assault - rape or fellatio. The extent to which each of these four factors influence the willingness to prosecute is not known. However, since such a combination of factors

⁴⁹See Page 43 above.

is present, it is believed that the level of violence does have some influence on a victim's willingness to prosecute.

Along with deterrents to prosecution, various factors have been identified by victims. These factors either caused them problems or are anticipated to cause problems. Of the problems identified, it was found that victims were most dissatisfied with trial procedures and with the handling of the case by police officers initially responding to the report. Treatment by hospital personnel was the source of other problems as well as the prosecutor's treatment of the victim. Problems with detectives were expressed by only one victim. Others felt that questions asked by detectives were offensive, but that detectives themselves were excellent.

Victims enumerated many factors which were problems to them. However, in all fifteen cases when victims were asked if they would encourage their friends, family, etc. to report a sexual assault to the police, they responded affirmatively. Furthermore, when asked, "Would you, knowing what you know now, report a sexual assault to the police?" again victims answered that they would. It is interesting to note that victims expressed the feeling that reporting to the police was the only means of preventing assailants from committing additional assaults.

Interviews with fifteen victims have provided much information about deterrents to prosecution, factors which cause problems during prosecution, etc. This information

in itself is meaningful. However, in considering whether it reflects the feelings and opinions of the larger group, it is necessary to look at characteristics of the fifteen victims which may have influenced their feelings, opinions, etc.

One characteristic of the interviewees which may have influenced the data was the type of sexual assault. Two victims' assaults involved sexual contact rather than the more aggressive and violent sexual conduct. From this it would appear that the proportion of victims unwilling to prosecute may be too low. That is, the larger group would probably show a greater proportion of victims unwilling to prosecute.

Taking into account the differences described, interviewees are still more like than unlike the study group. Therefore, findings about the victim's willingness to participate in prosecution can be generalized to the study group. But to the extent that these differences might influence the decision to prosecute, the findings are biased.

Recommendations

Many of the sexual assault victims interviewed expressed their enthusiasm and interest in studies such as this. Contacting victims directly to obtain their cooperation was not a problem as had been anticipated. However, several women pointed out that they would not have been in-

terested nor would they have agreed to participate in this study if a man were conducting interviews. Therefore, this researcher recommends that similar studies use only women interviewers.

Methodological problems encountered in completing this study provide a basis for setting forth recommendations for future studies of this type. First the researcher should have an agreement with the police department executive that access to criminal complaints will be granted. The high attrition of cases could be avoided if the researcher could conduct an ongoing study for a similar time period. Basically, the procedure for locating subjects would follow that used by many Rape Crisis Centers. That is, when each sexual assault victim reports to the police, the police in turn contact the researcher.

The researcher contacts the victim about participating in the study. If the victim is willing to participate, she is contacted from time to time by the researcher. Not only does this approach guarantee location of a greater proportion of victims, but it also adds a dimension to the study -- changes in the victim's willingness to prosecute can be observed.

Articles

Comment. "Complainant Credibility in Rape Cases: A Survey of Character Testimony of Prosecution Experts." *Journal of Criminal Law*, 1973, March, 1973), 67-73.

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